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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,016

09/22/2006

Johan Pragt

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

PO BOX 3001

BRIARCLIFF MANOR, NY 10510-8001

EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

06/03/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,016	Applicant(s) PRAGT ET AL.	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10,12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10,12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on March 4, 2010 has been entered.

Claim Rejections - 35 USC § 112, 1st paragraph

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-3, 5-7, 10, 12 and 14-19 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original disclosure still does not appear to provide support for a tooth (i.e., claimed as “a corresponding tooth”) that has both a cutting edge (i.e., the claimed cutting edge) and an abutment as now set forth in claim 1, lines 12-13. Rather, support appears to be provided for one tooth (e.g., 4) having a cutting edge (e.g., 10) and a cooperating tooth (e.g., 6) having an abutment (e.g., 15).

Further, the original disclosure still does not appear to provide support for a tooth (i.e., claimed as “a corresponding tooth”) having first and second widths as now claimed in the last four lines of claim 1 (and additionally claims 16-19), particularly the recitation

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“wherein the first width is closer to the second edge of the corresponding tooth than the second width.”

Claim Rejections - 35 USC § 112, 2nd paragraph

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3, 5-7, 10, 12 and 14-19 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 9 and 10-11, the recitations “during a shaving operation” and “during the shaving operation” are redundant, and it is suggested to delete the occurrence in line 9, and to change the occurrence in lines 10-11 to --during a shaving operation--; in line 14, the recitation "is directed parallel to a plane of the hairs" renders the claim vague and indefinite since the invention is being positively defined in terms of the hairs which are not part of the claimed invention; in line 15, the recitation "longitudinal plane" is vague and indefinite as to what it refers; in the last two lines, the recitation “wherein the first width is closer to the second edge of the corresponding tooth than the second width” is vague and indefinite as to what is being set forth.

In claim 3, line 2, the recitation “tapered cutting” is incomplete and thus is vague as to what is being set forth.

In claim 12, lines 4-5, the claim appears to be missing a line or two and thus is vague and indefinite as to what is being set forth.

Claims Not Rejected Over Prior Art

6. Claims 1-3, 5-7, 10, 12 and 14-19 are considered to read over the prior art of record because the prior art or record does not teach or suggest the claimed combination of features including a tooth wherein one of the cooperating tooth edges includes both a cutting edge and an abutment as claimed; that is, an abutment is formed in a zone between a tip of the tooth and the cutting edge. Further, the prior art of record does not teach or suggest the claimed combination of features including the first and second width configuration as set forth at least at the end of claim 1 (and additionally claims 16-19). However, these claims **cannot** be considered to be “allowable” at this time due to the rejection(s) under 35 U.S.C. 112, 1st paragraph set forth in this Office action. Therefore, upon the claims being rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action, further consideration of these claims with respect to the prior art will be necessary.

Response to Arguments

7. Applicant's arguments filed March 4, 2010 have been fully considered but they are not persuasive.

In the paragraph(s) bridging pages 7-8 of the subject response, applicant argues that there was an “error is interpreting the intended scope of the claim language” and that “the claims were drafted to cover a non-exclusive condition where a given tooth has both of an abutment in one portion of an edge and a ‘cutting edge’ as termed in the

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Office action, on page 2, last paragraph” and applicant provides a portion of the specification to support his position.

It is respectfully submitted that the Examiner disagrees with applicant’s analysis. Claim 1 sets forth that there are two cooperating cutting members (see line 1), each provided with cutting teeth (see line 2), wherein edges of the cutting teeth cooperate (see line 3), wherein a first edge of each pair of cooperating edges is provided with a cutting edge (see line 8), and wherein a second edge of each pair of cooperating edges in a zone between a tip of a corresponding tooth and the cutting edge forms an abutment (see lines 11-13).

Based on a review of the above claim recitations, there is no support for the claimed structure and the claimed structure is unclear. More specifically, the claim recites that the second edge (which cooperates with the first edge) in a zone between the tip of the corresponding tooth (i.e., the tooth that includes the second edge) and the cutting edge (defined as the edge of the cooperating tooth) forms an abutment. It is respectfully submitted that most problematic is that there is no disclosed “zone” that extends from the tip of one tooth (i.e., the corresponding tooth that includes the second edge) to the cutting edge (i.e., the edge of the tooth that cooperates with the corresponding tooth).

In the second paragraph on page 8 of the subject response, applicant states that “[T]his is shown in the figures of the present applicator, for example in FIG. 4c.” The Examiner respectfully disagrees. The configuration of Fig. 4c, particularly the cutting

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edge shown therein, does not correspond with the claimed cutting edge since it is part of and thus does not cooperate with the corresponding tooth.

Further, it is respectfully submitted that applicant's arguments beginning at the fourth paragraph on page 8 and ending at the second paragraph on page 9 of the subject response are not clear but are moot in view of the amendments made to claim 1 and in view of the modified grounds of rejection under 35 USC 112, 1st and 2nd paragraphs pertaining thereto.

In the third paragraph on page 9 of the subject response, applicant argues that the rejected to limitation has been amended to obviate the rejection. However, it is respectfully submitted that the invention is still being positively defined in terms of the hair (more specifically, "a plane of the hairs") which is not part of the claimed invention and thus renders the claim vague and indefinite.

Thus, it is respectfully submitted that for at least the reasons provided above, the rejections must be maintained.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
June 2, 2010